

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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EDGAR ENCARNACION-LAFONTAINE,

Petitioner,

-against-

20 **CIVIL** 1170 (JSR)

JUDGMENT

UNITED STATES OF AMERICA,

Respondent.
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It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Opinion and Order dated November 20, 2023, after reviewing the Report and Recommendation de novo, the Court has overruled Mr. Encarnacion-Lafontaine's objection, the Report and Recommendation is adopted, and the petition is denied with prejudice. For the reasons stated in the Report and Recommendation, the Court agrees with the Magistrate Judge's analysis that the petition "is time-barred" and not subject to equitable tolling.

Dated: New York, New York

November 20, 2023

RUBY J. KRAJICK

Clerk of Court

BY:

K. mango

Deputy Clerk